HIGHT COURT OF JUDICATURE CHHATTISHGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. NAYAK,

037

Writ Petition NO. 5575 OF 2005

PETITITIONER
APPLICANT

Vimal Kumar, aged about 27 years,
S/o Laxman Dewangan,
R/o Village Bore, P.S. Bori,
Tahsil Dhamda, Distt. Durg (C.G.)

Versus

RESPONDENTS
NON-APPLICANT

Rekha Bai, W/o Vimal Kumar,
Dewangan, Village Kongiakala, P.S. &
Tahsil Saja, Distt. Durg, At present,
R/o Shakti Nagar, Durg (C.G.)

Present :

Mr. D.N. Prajapati, learned counsel for the petitioner.

ORAL ORDER
(Passed on 2nd December, 2005)

In a petition filed by the petitioner herein for dissolution of the marriage, the respondent-wife filed an application under Section 24 of the Hindu Marriage Act, 1955, for maintenance. The application was contested by the petitioner herein. Learned Family Judge having appreciated the pleadings filed by the parties and the documents adduced in support of the claim though it fit to grant interim maintenance at the rate of Rs. 800/- per month to the respondent-wife. Learned Family Judge has also directed the petitioner to pay Rs. 5,000/- towards litigation expenses by the order under appeal.

(2) Heard Mr. D.N. Prajapati, learned counsel for the petitioner and perused the material papers appended to the writ petition. It was contended that the respondent is having illicit relationship with another person and therefore she is not entitled to any maintenance. That is the plea taken by the petitioner in his petition for divorce. That allegation is yet to be established by legal evidence. At this stage, that plea cannot be taken into account for denying maintenance to the wife. The respondent is a legally wedded wife of the petitioner is not in dispute. What is awarded is minimum maintenance that could be paid by any husband to his wife. At this time and place Rs. 800/- as monthly maintenance could not be regarded as something arbitrary or unreasonable. There is absolutely no case made out for this Court to interfere. The writ petition is devoid of merit and it is accordingly dismissed. However, the learned trial Judge shall expedite the trial of the case. There is no order as to costs.

Sd/-
Chief Justice

brajesh